HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 23498 OF 2006

DATED: 13.11.2006

Between:

Manthena Venkata Ramanamma

… Petitioner

and

The Deputy Commissioner, Endowments
Department, Kakinada, East Godavari District and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.23498 OF 2006

ORAL ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

The petitioner is aggrieved by the alleged endeavours of the respondents, in particular the 2nd respondent, trying to evict her from a vacant site of 50 sq.yards in R.S.No.53-1B belonging to the 2nd respondent-Devasthanam.

O.A.No.108 of 1992 was initiated against the petitioner at the instance of the 2nd respondent-Devasthanam, under Section 83 of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act'). By the order dated 30.8.1994, the 1st respondent declared the petitioner to be an encroacher and directed her eviction from the property in question, with a consequent direction that if the respondent (petitioner herein) fails to vacate the premises, the Assistant Commissioner of Endowments concerned, shall execute the eviction orders under Section 84 of the Act and put the schedule property in possession of the 2nd respondent-Devasthanam with police assistance.

The property admittedly belongs to the 2nd respondent-Devasthanam and a lease was recorded in favour of the petitioner's mother one G. Sivamma. The lease expired on 27.8.1990. The petitioner also failed to pay the lease amounts and was continuing in the property without any entitlement and without paying any amounts to the 2nd respondent-Devasthanam. In the circumstances, the 1st respondent by the order dated 30.8.1994 in O.A.No.108 of 1992, declared the petitioner an encroacher and directed her eviction. Despite an order in August 1994, however the respondents appear to have slept over the matter and failed to evict the petitioner from the land in question. They seem to have woken up to their statutory obligations now and are trying to evict her. This is the complaint in the writ petition; a complaint that has no legal basis.

There are no merits. The writ petition is accordingly dismissed at the stage of admission. There shall be no order as to costs.

GODA RAGHURAM, J

Date: 13.11.2006
CVM